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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,232

09/08/2003

Te Hsin Yi

2019-0217P

1078

2292

7590

12/14/2004

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EXAMINER

ALAVI, ALI

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,232

Applicant(s)

YI ET AL.

Examiner

Ali Alavi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claim 9 is objected to because of the following informalities: in line 2, the word "eachrecesses" should be changed to "each recesses". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite because it is incomprehensible and appears to be a direct translation from a foreign language. For example " a plurality of recesses concave thereof and each, in view of a cross section thereof, formed on a joint of a deviation line, which downwardly deflects a first predetermined angle from a centric-horizontal line in a radiation of the light guide rod, crossing with a side surface of the light guide rod,....a reflection member enclosing the light guide rod having an elongated opening formed on the side surface thereof and formed upwardly deflecting a supplementary angle,..." It is vague and indefinite because it is incomprehensible as to what applicant's invention is.

Claim 3 recites in part "...the lighting member is double to dispose on two opposing ends of the light guide rod" it is indefinite because it is unclear as what is disposed at the two opposing ends of the light guide rod.

Claim 8 recites in part "...wherein the second predetermined angle sandwiched in each of the recess is about 90 degree." It is indefinite because it is unclear how the second angle is sandwiched in the recess?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al (US Pat. No 5,915,855).

As best understood from the claim language, Murase discloses a linear light-source module comprising: a light-guide rod (11) having a plurality of recesses concave thereof (14, col. 4, lines 48-50) , at least one lighting member (20, fig. 1) disposed on at least one end of the light-guide rod and a reflection member (15, fig. 1) enclosing the light-guide rod having an elongated opening formed on the side surface thereof (fig. 1).

Note: The claim limitation " the recesses are made integrally in one piece with the light-guide rod by an injection molding process, and the recesses arranged in a compressive front and rarefactional rear" manner relative to the lighting member." In claim 1 is taken to be product by process limitation and is non-limiting. A product by process claim is directed to the product per se, no matter how actually made. See in re Fessman, 180 USPQ 324, 326 (CCPA 1974). See also MPEP 2113. Moreover, an old and obvious

product produced by a new method is not a patentable product, whether claimed in "product by process" claims or not. The lighting member is disposed on a first end of the light-guide rod, the light-guide rod has a recess density increasing from the first end to a second end opposing to the first end (fig. 1). The light-guide rod is a crystalline material having a light transmission of more than about 90% (col. 4, lines 24-26). The light-guide rod is made of Polycarbonate (PC), or Polyacrylate materials (col. 4, lines 24-26).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Egawa et al (US Pat. No 6,286,970) discloses a linear light source 13, having a plurality of recesses (15) and a lighting member 12.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 10/656,232

Page 5

Art Unit: 2875

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ali Alavi', with a stylized flourish at the end.

Ali Alavi
Examiner
AU 2875